

Federal Communications Commission

1270 Fairfield Road
Gettysburg, PA 17325-7245

In Reply Refer To:
7110-162

JUN 02 1994

Mr. Robert E. Oliver
State of Alabama
517 Traffic Operations Dr.
Montgomery, AL 36110

Dear Mr. Oliver:

The Commission has been advised that the tower at 1020 Bankhead Hwy on US 78 in Birmingham, Alabama, where the State of Alabama's facilities licensed under call signs KIV335 and WPAI992 are located, is causing reradiation of station WERC's signal thereby distorting its radiation pattern and resulting in operation in non-conformance with its authorization.

Rule 90.403 requires that licensees take all reasonable precautions to avoid causing interference. Since the construction of the aforementioned tower by the State of Alabama has resulted in the interference to WERC, the State of Alabama is responsible for taking immediate action to eliminate that interference and in verifying that its actions have, in fact, corrected the interference. In that regard, you are requested to contact WERC's chief engineer Mr. Robert Newberry at 205-942-4133 or 205-942-9600 to discuss what steps will be taken by the State of Alabama to eliminate the interference and when that process will be completed. Pursuant to Section 308(b) of the Communications Act of 1934, as amended, this information should also be provided to the Commission at the letterhead address within 20 days of the date of this letter. Please reference our reply referral number 7110-162 in your response. Any questions regarding our request can also be directed to 717-337-1411, ext 162.

Sincerely,


Terry L. Fishel
Chief, Land Mobile Branch

cc: Robert Newberry
Peter D. O'Connell
William Ball
F. Ronald Netro